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INDIAN GAMING AND COMMUNITY RIGHTS

The California Story

A report on the complexities of local government, community character, public health and safety services related to the newly developing federal industry of tribal gaming.

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Imbalance in California Gaming Policy

The negotiations of the tribal state compact in 1999 and the passage of Proposition 1A on March 7th 2000 began a new era of full service Nevada Style tribal gaming in the State of California. California now offered two types of gaming. Gambling that was allowed by the State for non-Indian gaming interests, Class II card games and a monopoly for Indian tribes for Nevada style casino class III slot machines on "Indian Lands".

It was not made clear to the voting public that tribal governments were able to continue to purchase additional land and apply to have it placed in trust, thus creating new Indian lands and expanding their base of operation. The voting public was not made aware of tribal groups petitioning to establish new Indian tribal governments. Tribal governments, which are able to establish gaming in metropolitan communities, create a variety of concerns over gaming proliferation, civil and criminal jurisdictions, land use issues, civil rights and property rights of non-Indian citizens. This created the proliferation of gaming without checks or balances by local government or communities of citizens.[1]

The imbalance which the passage of Proposition 1A created has the vested gaming interests of our state asking for some type of parity from the Legislature and Constitutional Officers of California. Card clubs have yet to request legislatively the ability to operate similar machines at their facilities. Some card clubs are already wired for slot machines, in anticipation of the prospect. By the same token the horse racing industry would probably seek comparable treatment from the Legislature. These interests argue that Class III gaming on tribal lands has put them at an unfair competitive disadvantage and continues to eviscerate their business.

Indeed, in the last ten years the decline in California card clubs has been significant. This decline has had a rippling effect in the communities in which they are located. In Los Angeles County the four cities of Bell Gardens, Gardena, Hawaiian Gardens and Commerce receive 50% or more of their cities annual budget from the revenue generated by highly state regulated cards clubs. These revenues provide for delinquency prevention programs, community recreations programs, senior care facilities and other services that otherwise would not be available to these demographically disadvantaged minority communities.[2]

The complications surrounding tribal gaming expansion into the metropolitan areas are vast, in Contra Costa County or in Los Angeles County. Congressional Acts whether to recognize an Indian group as a new sovereign tribal government or take land into trust circumvent federal regulations that have been put in place to protect the rights of states, local governments and citizens. The city leaders of Gardena, Bell Gardens, Hawaiian Gardens and Commerce all have legitimate concerns fearing bankruptcy of their cities injuring the very citizens that they were elected to protect. The Indian Gaming Regulatory Act has in essence robbed local government elected representatives of their political power to protect those whom they govern.

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[1] 25 U.S.C. section 2719

[2] Artichoke Joe's vs. Gale Norton, CIV S-01-0248 DFL GGH) Amicus Brief by California Cities For Self Reliance